

March 14, 2000

The Salisbury Planning Board held its regular meeting on Tuesday, March 14, 2000, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Mark Lewis, DeeDee Wright, Sean Reid, Jeff Sowers, Elaine Stiller, Stan Jordan, Ken Mowery, Leigh Ann Loeblein, Andy Storey, Mark Perry

ABSENT: John Daniels, Fred Dula

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Lewis. The minutes of February 8 and 22, 2000, were approved as published.

ZONING MAP AMENDMENTS

Z-1-00 Robert Hales, off U. S. 29

Location: Off U. S. 29, Rowan Mill Road and Briarwood Avenue

Size: Approximately 2.88 acres (this is a portion of one parcel; the remaining portion is already zoned B-6)

Existing Zoning: LLI-2 Limited Light Industrial-2

Proposed Zoning: B-6 General Business

(a) Chairman Lewis convened a courtesy hearing on Z-1-00.

Those speaking in favor of the zoning change request:

Robert Hales, 205 Eastwood Drive. He plans to build a 16,000 square foot facility for children 3 months through 16 years old. This will be a fitness center with preschool programs, a computer lab, a sport court, and a challenge course. There will be after school programs. The reason he is seeking rezoning is due to setback requirements. Existing requirements would require him to put the facility toward the back of the lot which would put it closer to the residential area, and he would like to locate the facility closer to Gold's Gym. All access would be from U. S. 29.

Those speaking in opposition to the zoning change request:

Susan and John Pfannes, 204 Balfour Drive. They own adjacent property and are a licensed foster home with Rowan Co. Dept. of Social Services. They take in children aged 0-18 and as many as seven at a time that have a whole multitude of problems. One of their greatest concerns involves the possible teenage activities that could be going on with what's proposed to go on this property. They have a concern with traffic and teenagers loitering on the property and in the woods behind their house. Briarwood appears to end at the subject property, but there is a path that continues on into the back of the mobile home plant. Wants to make sure their

property is protected with a buffer and possibly a fence so that nothing intrudes into the residential area.

Karen Littleton, 316 North Deerfield, speaking on behalf of her mother who lives at 220 Rowan Mills Road. Her concern pertains to traffic on Rowan Mills Road. The petitioner has indicated he would not use Briarwood or Rowan Mills Road as an entrance. Wants to know what guarantee she will have if someone else comes in and builds on that property that they will not use Rowan Mills Road. The homeowners affected by this rezoning are all senior citizens. Wants to know exactly what type of buffer will be put on the property.

Terry Eller, 236 Rowan Mills Road. Wondered about water runoff from parking lot of proposed facility, property valuations, and the potential of opening Briarwood Avenue.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

DeeDee Wright questioned whether an "S" district could be added in order to address some of the concerns of the residents. Mr. Poole indicated that if there is some concern as to what the development is going to look like, a GD-A overlay could be added which would provide for site plan review. Mark Lewis responded that with the GD-A overlay, the Board could like at where the building is situated, lighting, dumpster location, curb cuts, and landscape buffer. If the Board feels that the requirements are not adequate to protect the neighborhood, the Board can require a fence and vegetation or a 50-foot buffer during the site plan review. With the present LLI-2 zoning, site plan review is required. Rezoning to B-6 would eliminate any review.

Leigh Ann Loeblein moved to recommend approving the rezoning to B-6 General Business with GD-A General Development-A overlay. The motion was seconded by Andy Storey with all members voting AYE.

This recommended rezoning leaves two small slivers of property (the rear portions of two lots) in the LLI-2 zoning. Mr. Poole recommended that these slivers be rezoned in order to eliminate all the LLI-2 zoning classification. Stan Jordan moved to recommend rezoning the two slivers from LLI-2 to B-6 General Business. The motion was seconded by Andy Storey with all members voting AYE except DeeDee Wright who voted NAY.

ZONING TEXT AMENDMENT

Roger Brown, Sales Representative with Wesco Signs, has requested a text amendment to Section 9.07, Special Sign Overlay District, to increase the sign radius for pylon signs from 1,000 feet to 1,200 feet at the East Innes Street-Interstate 85 intersection. The Comfort Suites property corner lies just outside the present 1,000 foot radius by approximately 30 to 40 feet. The requirements for the location of the sign (which is located outside the 1,000 foot radius) allows a 35 square foot sign at 10 feet overall height. He does not feel this would be visible from I-85 and could cause confusion and possible traffic safety problems by travelers looking for this motel. If the radius were increased, this would include the area where the sign is being proposed to be located, and the motel would be able to erect a 200 square foot sign at 90 feet above grade to top of sign.

Jeff Sowers commented that as a member of the Innes Street Corridor Study committee, the signage issue was addressed for the entire corridor of Innes Street for the purpose of reducing the amount of signage instead of increasing signs. This would be the beginning of enlarging the area for pylon signs and would be opening the doors for more requests of enlarging the sign overlay district. This will start to add visual clutter that we're trying to reduce with the Visual Corridor Overlay District.

Chairman Lewis referred this matter to Committee 1 (Stiller, Storey, Reid) and asked that staff get any pertinent information from the Visual Corridor Overlay District committee so that Planning Board does not do anything contrary to what this committee is considering.

GROUP DEVELOPMENTS

G-1-00 First Bank, 1503 Jake Alexander Boulevard, South

L. G. Beaver Construction Co. has submitted a site plan for a new building to be constructed at the intersection of Jake Alexander Boulevard South and Old Concord Road. During construction the existing building will be converted into a temporary bank and then demolished when the new building has been completed. The Technical Review Committee recommends approval of this project, noting the following condition: the future parking area is not part of this approval and shall be brought back to the Technical Review Committee for the full approval process. Following discussion, Jeff Sowers moved to recommend approval subject to the above-listed condition. The motion was seconded by Andy Storey with all members voting AYE.

G-6-88 The Pantry, Inc., 2270 Statesville Boulevard

An application has been submitted for an addition to this group development. An addition of 324 square feet to the existing building is proposed. The Technical Review Committee recommends approval of this project. On a motion by Sean Reid, seconded by Andy Storey, with all members voting AYE, the site plan was recommended for approval.

G-9-85 Executive Center, 1121 Old Concord Road

Transtate Acquisition Management submitted an application for an 880 square foot addition to the Executive Center which will be built behind the existing building. The Technical Review Committee recommends approval. Mr. Doc Corpening, speaking on behalf of an adjacent business use, was concerned with parking problems. On certain days, parking from the Executive Center overflows into their parking facility and they have no parking spaces for their use. He was concerned that adding onto the existing building will generate even more parking problems. Andy Storey moved to recommend approval of the site plan. The motion was seconded by Sean Reid with all members voting AYE except Ken Mowery who voted NAY.

SUBDIVISION

S-4-00 Gray Oak at Mirror Lake, extension of Beechnut lane in Dogwood Acres

Dan Mikkelsen, City Engineer, presented a preliminary plat for the creation of 26 lots. The property is adjacent to Oakview Commons and also adjacent to future phases of Stone Ridge. He explained that he had not been able to meet with Eddie Beaver, the developer, to explain a number of issues that need to be resolved prior to Planning Board taking any action.

Mr. Mikkelsen then explained the issues which dealt with adjacent streets being left off the site plan, a question about the western portion of Cross Drive as to whether it's a paper street or whether it's a private easement belonging to AT&T, interconnectivity of neighborhoods, questions concerning the area marked "donated to the homeowner's association," a lot on Greyoak Lane does not meet minimum zoning requirements because of substandard depth, and inconsistency in spelling. Mr. Mikkelsen is interested in receiving Planning Board input on the staff's suggestions on interconnectivity. During the next month he will have time to get back with the developer. If the Planning Board is not interested in requiring the developer to provide interconnectivity with adjacent subdivisions, he will not pursue this issue with the developer. It was the consensus of the Board to assign this matter to a committee. Chairman Lewis assigned this matter to Committee 2 (Perry, Dula, Loeblein, Daniels).

STREET RENAMING

Mr. Furr reminded the Board that a policy had been adopted in 1997 which states that the Planning Board shall review the naming or renaming of existing or proposed streets for recommendation to the City Council. The Board of Directors for Lutheran Services for the Aging has requested that Divinity Drive be renamed to Trinity Oaks Drive. The Technical Review Committee recommends approval of the renaming. On a motion by Jeff Sowers, seconded by Leigh Ann Loeblein, with all members voting AYE, the street renaming was recommended for approval.

STAFF REPORT

Patrick Kennerly gave a report on the elimination of the B-2 Retail Business district. This district was originally set up in 1964 to serve as the primary shopping center district. However, in 1967 a new district, B-7 Limited Business, was instituted to serve as "a district of concentrated commercial activity, primarily retail in nature, servicing a regional trade area." There are now only 3.69 acres zoned for B-2 in three separate areas, for a total of eight parcels of land. The first area is located on Mooresville Road near its intersection with South Main Street. The second area is located on Jake Alexander Boulevard South between the interstate and Old Concord Road. The third area is located just off Faith Road on Oakwood Avenue.

Staff believes it is a worthwhile procedure to eliminate unnecessary zoning districts whenever reasonable to do so. In addition, one of the Planning Board goals is to continue upgrading the zoning ordinance, as necessary. A Courtesy Hearing on rezoning the B-2 areas and amending the zoning ordinance to delete the B-2 district could be scheduled in April.

Staff was directed to schedule a Courtesy Hearing in April for the three areas and to make recommendations as to what district these areas could be rezoned.

COMMITTEE REPORTS

Legislative Committee – Jeff Sowers, chair

(a) The definition for the B-CS (Convenience Service Business) district needs clarification. The first sentence of the definition could be interpreted to mean that only a house with 2,000 square feet or less could be used for a B-CS use. This was not the intent.

The Legislative Committee is recommending rewriting the definition to read as follows: "Permitted uses may not occupy a gross floor area of more than 2,000 square feet within the building in which they are located; conditional uses may not occupy a gross floor area of more than 2,500 sq. ft., or 25 percent more than what is allowed for permitted uses." This comes to the Board with a motion to recommend approval of the rewritten text. The motion was seconded by Sean Reid with all members voting AYE.

(b) Recently a question came up at a Planning Board meeting regarding definitions for some of the housing types listed as permitted uses in the RD-A and RD-B districts. The Legislative Committee reviewed descriptions, as well as illustrations, from a book that was used in the preparation of the RD-A and the RD-B districts. Descriptions for various housing types were reviewed by the committee. The committee wants clearer descriptions of the different housing terms and discussed a supplement to the zoning ordinance which could include illustrations of types of housing. Work is continuing on this matter.

(c) City Council recently approved Planning Board's recommendation pertaining to public only streets, sidewalks on both sides, planting strips, and block-type curb and gutter in the RD-A and RD-B district. The committee feels these requirements should be carried forward in other residential areas. There are still a number of questions that need to be resolved before the committee is ready with a recommendation.

Visual Corridor Overlay District – Mark Perry, Chair

Mr. Perry gave a status report on their latest committee meeting. He feels the committee needs at least two more meetings before they are ready with a recommendation.

Nominating Committee – Stan Jordan, Chair

The Nominating Committee is recommending Mark Lewis as Chairman. The floor was opened for further nominations. There were no other nominations, and Mr. Lewis was unanimously elected.

The Nominating Committee is recommending Jeff Sowers as Vice Chairman. The floor was opened for further nominations. DeeDee Wright was nominated. There were no further nominations, and they were closed. Jeff Sowers received three votes and DeeDee Wright received five. Ms. Wright was duly elected as Vice Chairman.

Chairman Lewis recognized Stan Jordan who is leaving the Board after six years. Mr. Lewis thanked him for his diligence in attending Planning Board and committee meetings and being very effective in his work.

There being no further business to come before the Board, the meeting was adjourned.

Secretary

Chairman